

1 BILL NO. R-88-05- 02

2 RESOLUTION NO. 9-24-88

3 A RESOLUTION authorizing the City of
4 Fort Wayne, by its Board of Public
5 Works and Safety, to enter into an
6 Interlocal Agreement for funding of
7 Water and Sanitary Sewer Service
8 extensions to the Tokheim Headquarters
9 Building.

10 WHEREAS, the County of Allen, Indiana, and the City of
11 Fort Wayne entered into an Interlocal Agreement dated July 29,
12 1987, to facilitate the flow of funds for funding of certain
13 water and sanitary sewer service extensions to the Tokheim
14 Headquarters Building, a copy of which is attached hereto as
15 Exhibit "A".

16 WHEREAS, said Interlocal Agreement requires the
17 approval of both the Common Council of the City of Fort Wayne
18 and the Allen County Council.

19 WHEREAS, the Allen County Council approved said
20 Interlocal Agreement but it does not appear that the Agreement
21 was previously submitted to the Common Council of the City of
22 Fort Wayne for approval;

23 WHEREAS, approval of the Common Council of the City of
24 Fort Wayne is necessary to complete the funding of the
25 project;

26 WHEREAS, Tokheim has committed to locating its
27 corporate headquarters in Allen County and will invest between
28 7 and 10 million dollars; and,

29 WHEREAS, Tokheim proposes to create 70 new jobs in
30 relation to the subject project between January 1, 1987 and
31 July 1, 1989; and,

32 WHEREAS, the developers of said project, a 50/50 joint
venture between Tokheim and Northhill Development Corporation,
hereinafter referred to as the "Dupont Plaza Partnership", are

1 desirous of having City of Fort Wayne water and sanitary
2 sewer service extended to the project site; and,

3 WHEREAS, Tokheim has requested the State of Indiana
4 through its Department of Commerce, Allen County and the City
5 of Fort Wayne to assist in the financing of extending water
6 and sanitary sewer service to the project site; and,

7 WHEREAS, the City of Fort Wayne seeks to assist the
8 Dupont Plaza Partnership in extending water and sanitary sewer
9 service to the Tokheim Headquarters site; and,

10 WHEREAS, the extension of water and sanitary sewer to
11 serve the site consists of extending a water line a distance
12 of approximately 16,900 feet and extending a sanitary sewer
13 approximately 3,000 feet at an estimated cost of \$932,000;
14 and,

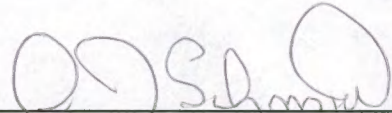
15 WHEREAS, the cost of extending water and sanitary sewer
16 service to Tokheim Headquarters is estimated to be divided in
17 the following manner: City of Fort Wayne (56.81%), Dupont
18 Plaza Partnership (24.4%), State of Indiana (16.09%), and
19 Allen County (2.68%); and,

20 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
21 THE CITY OF FORT WAYNE, INDIANA:

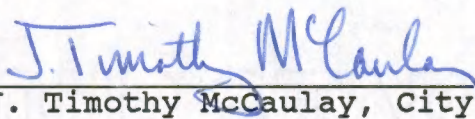
22 SECTION 1. The Interlocal Cooperation Agreement by and
23 between the County of Allen, Indiana, through its Board of
24 Commissioners and the City of Fort Wayne through its Board of
25 Public Works and Safety, which is attached hereto and made a
26 part hereof as Exhibit "A" is hereby approved in all respects
27 and the prior execution of the Interlocal Agreement by the
28 Board of Public Works and Safety is hereby ratified and
29 approved.
30
31
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SECTION 2. This Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

INTERLOCAL COOPERATION AGREEMENT

THIS AGREEMENT, made and entered into on this 29th day of July, 1987, by and between the BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN (hereinafter referred to as the "Board") and the CITY OF FORT WAYNE BOARD OF PUBLIC WORKS AND SAFETY (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, the purpose of this Agreement is to facilitate the flow of funds to the City from the Board, said funds provided to the Board by the Indiana Department of Commerce Industrial Development Grant Fund; and,

WHEREAS, the Board seeks to assist the expansion of existing business and industry and attract new business and industry to this area; and,

WHEREAS, Tokheim has committed to locating its corporate headquarters in Allen County and will invest between 7 and 10 million dollars; and,

WHEREAS, Tokheim proposes to create 70 new jobs in relation to the subject project between January 1, 1987 and July 1, 1989; and,

WHEREAS, the developers of said project, a 50/50 joint venture between Tokheim and Northhill Development Corporation, hereinafter referred to as the "Dupont Plaza Partnership", are desirous of having City of Fort Wayne water and sanitary sewer service extended to the project site; and,

WHEREAS, Tokheim has requested the State of Indiana through its Department of Commerce, the Board and the City to assist in the financing of extending water and sanitary sewer service to the project site; and,

WHEREAS, the Board seeks to assist the Dupont Plaza Partnership in extending water and sanitary sewer service to the Tokheim Headquarters site; and,

WHEREAS, the extension of water and sanitary sewer to serve the site consists of extending a water line a distance of approximately 16,900 feet and extending a sanitary sewer line approximately 3,000 feet at an estimated cost of \$932,000; and,

WHEREAS, the Indiana Department of Commerce has indicated a willingness to provide the Board with up to \$150,000 to offset a portion of the cost of the above noted utility extensions; and,

WHEREAS, the cost of extending water and sanitary sewer service to the Tokheim Headquarters is estimated to be divided in the following manner: City (56.81%), Dupont Plaza Partnership (24.42%), State of Indiana (16.09%), and the Board (2.68%); and,

WHEREAS, the Board proposes to use \$25,000 from the Economic Development Fund to cover the Board's share of the project; and,

WHEREAS, in accordance with the prescribed procurement procedures, the City will be responsible for preparing the bid specifications and selecting the contractor(s) for said project.

NOW, THEREFORE, it is agreed as follows:

1. The Board agrees, to the extent of the funds provided by the State and the Board through its Economic Development Fund, to pay claims submitted by the City for the above-referenced utilities extensions to the Tokheim Headquarters Building site, in a timely manner. Said claims shall be verified and based upon actual contractor's expenses incurred.

2. Upon project completion and independent CPA firm or the State Board of Accounts will be hired by the Board to audit the financial records of the grant as required by the State. The city shall furnish any and all financial records and data relating to the project required by said auditor. The cost of this audit shall be paid from the Industrial Development Grant.

3. This Agreement shall be construed in accordance with I.C. 36-1-7 et seq. and the effectiveness is subject to all legal and necessary approvals as follows:

- A. Approval of the fiscal bodies, by ordinance or by resolution, of the City of Fort Wayne and Allen County, Indiana, pursuant to I.C. 36-1-7 et seq.,

- B. Recordation of this Agreement with the Allen County Recorder,

- C. Within sixty (60) days from the effective date of this Agreement, a copy of same shall be filed with the State Board of Accounts for audit purposes.

4. The City does agree to comply with all terms and conditions of the Grant Agreement (attached hereto and made a part hereof) entered into between the Board and the State of Indiana, as if said City was a party to said Agreement and acting in the stead of the Board.

5. The City further agrees to indemnify and hold harmless the Board from and against any and all liability for any acts or omissions in violation of said Agreement.

6. With the exception of the hold harmless found in the preceeding paragraph, this Agreement and the responsibilities hereunder, shall terminate upon the close-out of the grant. Said close-out shall include the resolution of all audit findings if any shall exist.

IN WITNESS WHEREOF, this Agreement has been signed by the parties on the dates below indicated.

FORT WAYNE BOARD OF PUBLIC
WORKS AND SAFETY

BY: 

Baron R. Biedenweg

BY: _____

Lawrence D. Consalvos

BY: 

Cosette R. Simon

DATED: 7-29-87

ATTEST:

BY: 

Clerk

BOARD OF COMMISSIONER OF THE
COUNTY OF ALLEN, INDIANA

BY: 

Jack B. Worthman, President

BY: 

Richard M. Ellenwood

BY: _____

Donald J. Yoder

DATED: Aug 10, 1987

ATTEST:

BY: 

Linda K. Bloom, Auditor
Allen County, Indiana

ALLEN COUNTY COUNCIL RESOLUTION NO. 87-6-18-3

AUTHORIZING THE BOARD OF COMMISSIONERS
OF ALLEN COUNTY TO ENTER INTO AN
INTERLOCAL COOPERATION AGREEMENT WITH
THE CITY OF FORT WAYNE BOARD OF PUBLIC
WORKS AND SAFETY FOR FUNDING OF WATER
AND SANITARY SEWER SERVICE EXTENSIONS TO
THE TOKHEIM HEADQUARTERS BUILDING

WHEREAS, the County of Allen, Indiana, seeks to assist the expansion of existing business and industry and attract new business and industry to this area; and,

WHEREAS, Tokheim has committed to locating its corporate headquarters in Allen County and will invest between 7 and 10 million dollars; and,

WHEREAS, Tokheim proposes to create 70 new jobs in relation to the subject project between January 1, 1987 and July 1, 1989; and,

WHEREAS, the developers of said project, a 50/50 joint venture between Tokheim and Northill Development Corporation, hereinafter referred to as the "Dupont Plaza Partnership", are desirous of having City of Fort Wayne water and sanitary sewer service extended to the project site; and,

WHEREAS, Tokheim has requested the State of Indiana through its Department of Commerce, Allen County and the City of Fort Wayne to assist in the financing of extending water and sanitary sewer service to the project site; and,

WHEREAS, the Board of Commissioners of Allen County, Indiana, seeks to assist the Dupont Plaza Partnership in extending water and sanitary sewer service to the Tokheim Headquarters site; and,

WHEREAS, the extension of water and sanitary sewer to serve the site consists of extending a water line a distance of approximately 16,900 feet extending a sanitary sewer approximately 3,000 feet at an estimated cost of \$932,000; and,

WHEREAS, the Indiana Department of Commerce has indicated a willingness to provide Allen County with up to \$150,000 to offset a portion of the cost of the above noted utility extensions; and,

WHEREAS, the cost of extending water and sanitary sewer service to the Tokheim Headquarters is estimated to be divided in

the following manner: City of Fort Wayne (56.81%), Dupont Plaza Partnership (24.42%), State of Indiana (16.09%), and Allen County (2.68%); and,

WHEREAS, the Board of Commissioners proposes to use \$25,000 from the Economic Development Fund to cover Allen County's share of the project; and,

WHEREAS, in accordance with the prescribed procurement procedures, the City of Fort Wayne Board of Public Works and Safety will be responsible for preparing the bid specifications and selecting the contractor(s) for said project.

NOW, THEREFORE BE IT RESOLVED:

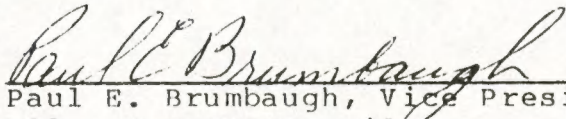
Section 1. The Annexed Interlocal Cooperation Agreement by and between the County of Allen, Indiana, through its Board of Commissioners and the City of Fort Wayne through its Board of Public Works and Safety a draft copy which is attached hereto and made a part hereof as Exhibit A is hereby approved in all respects, and the Board of Commissioners is hereby authorized to execute same.

Section 2. The Board of Commissioners of the County of Allen is hereby empowered to provide the City of Fort Wayne Board of Public Works and Safety funds received from the State of Indiana through its Industrial Development Grant Program and funds from the Board of Commissioner's Economic Development Fund, said funds to be utilized by the Board of Public Works and Safety to extend water and sanitary sewer service to the Tokheim Headquarters Building. Such funds shall be made available under the provisions of the attached and shall not exceed \$150,000. In no event shall the Board of Commissioners be authorized to provide funds under the attached Interlocal Cooperation Agreement which were not part of the \$150,000 Industrial Development Grant or the \$25,000 granted by the Commissioners from the Economic Development Fund.

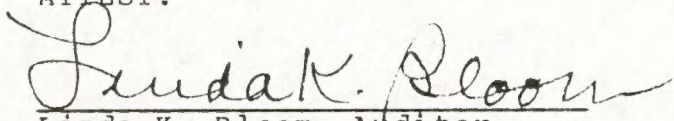
Section 3. If any section, clause, sentence, paragraph, part or provision of this resolution shall be held invalid, it shall be conclusively presumed that this Resolution should have

been passed by the County Council without such invalid section,
clause, sentence, paragraph, part of provision.

Section 4. That this Resolution shall be in full force and
effect from and after its passage.


Paul E. Brumbaugh, Vice President
Allen County Council

ATTEST:


Linda K. Bloom, Auditor
Allen County, Indiana

Read the first time in full and on motion by Submarch, seconded by Stow, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock, _____ M., E.S.T.

DATED: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stow, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>			<u>2</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>GiaQUINTA</u>				<u>✓</u>
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>				<u>✓</u>
<u>STIER</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 5-24-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-24-88
on the 24th day of May, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1988, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of May, 1988, at the hour of 9:40 o'clock A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

Q-88-05-02

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE RESOLUTION AUTHORIZES CITY OF FORT WAYNE,

BY ITS BOARD OF PUBLIC WORKS AND SAFETY, TO ENTER INTO

AN INTERLOCAL AGREEMENT TO ASSIST IN THE FUNDING OF WATER

AND SANITARY SEWER SERVICE EXTENSIONS TO THE TOKHEIM HEADQUARTERS

BUILDING.

EFFECT OF PASSAGE WATER AND SANITARY SEWER SERVICE EXTENDED TO
SAID TOKHEIM HEADQUARTERS BUILDING AND DUPONT PLAZA WILL
BE FUNDED IN PART BY STATE AND COUNTY CONTRIBUTIONS.

EFFECT OF NON-PASSAGE OPPOSITE OF ABOVE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$150,000.00

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. R-88-05-02

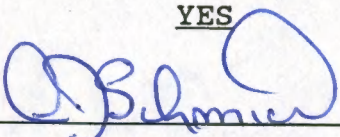
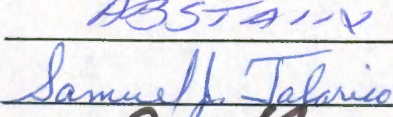
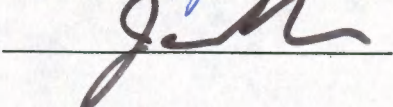
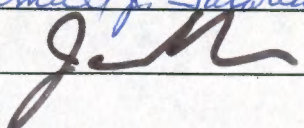
REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) authorizing the City
of Fort Wayne, by its Board of Public Works and Safety,
to enter into an Interlocal Agreement for funding of Water
and Sanitary Sewer Service extensions to the Tokheim
Headquarters Building


HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

YES

NO

<u></u>	DONALD J. SCHMIDT	_____
<u>ABSTAIN</u>	CHAIRMAN	_____
<u></u>	CHARLES B. REDD	<u>ABSTAIN</u>
<u></u>	VICE CHAIRMAN	_____
<u></u>	SAMUEL J. TALARICO	_____
_____	JAMES S. STIER	_____
_____	JANET G. BRADBURY	_____

CONCURRED IN 5-24-88


Sandra E. Kennedy
City Clerk